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REMARKS

Claim 12 has been cancelled, thus overcoming the objection to the drawing noted in paragraph 1 of the Office Action.

The objection to the drawing noted in paragraph 2 has been overcome by amending the Specification to remove reference to the numeral 4. The numeral 4 was intended to include the pads 41, 42 and 43 of the shoe or be generic to the pads noted. Since the individual pads are specified in the text and drawing, the reference to numeral 4 has been deleted from paragraphs [0023] and [0026] of the Specification.

A new Abstract and a new title have been provided. The new title "Sock With Padding" appears apt.

With respect to the objections to Claims 3 and 14 and Claims 5 and 15 noted in paragraph 7 of the Office Action, Applicant has amended the claim dependency. Claim 1 has been amended so as to more particularly point out and distinctly claim the present invention. Claims 16 and 17 have been added. Claim 14 and 15 now depend from Claims 17 and 16, respectively. Minor amendments were made in Claims 4, 6 and 7. Claim 12 has been cancelled. Claims 1-11 and 13-17 remain for consideration.

Claims 1, 8, and 13 were previously rejected as being anticipated by Lambertz '151.

Applicant submits that his prior '151 patent does not anticipate or suggest the present invention.

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Lambertz shows a climate-adjusting sock 1, which has an air channel 3 extending from the sole 2 to the band 4 and which is formed of climate-adjusting net-type knit fabric (col. 2, lines 25-29). The interior of the sock 1 is equipped with a padded instep cushion 5 and in the area of the shin it is equipped with a padded shin cushion 6 (col. 2, lines 34-36). The area of the Achilles tendon is protected by means of padded cushion 7 (col. 2, lines 43,44). The area of the calf is also provided with padded cushions (col. 2, lines 47-49). The sole of the sock 1 is provided with additional padded cushions or paddings 10 and 11, particularly in the area of the heel and in the area of the ball of the foot or in the area of the toes (col. 2, lines 58-62).

Comparing the sock of Lambertz with that of the present invention, it is readily seen that there is no teaching in Lambertz of cooperating pads with a web between them. Lambertz suggests pads in different areas of the sock, but fails totally to relate the pads of the sock to the pads of the shoe so as to avoid double padding. By virtue of the present invention there is uniform pressure distribution even under extreme loads or when the shoes are tied tightly, which counteracts the occurrence of pressure points and thus the risk of premature fatigue. See paragraph [0026] of the Specification of this application. Claims 1, 8, and 13 should be allowed over Lambertz.

Claims 1, 4-7 and 15 were previously rejected as being anticipated by Etienne. Etienne shows a stocking 1 that is composed of flexible elastic fibers. The stocking includes a zone 6,

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which completely covers the toes (col. 4, lines 4-7). The stocking of Etienne addresses a problem at the area of the Achilles tendon (col.4, lines 31-34). The stocking 1 has support means embedded in its thickness. The support means are pads 10, 11, which are bean - shaped and which fill up the retro-malleolar cavity 12, 13 on either side of the body 14 of the Achilles tendon (col. 4, lines 42-46). The pads 10, 11 fit closely into the anatomy of the two depressions beside the body 14 of the Achilles tendon (col. 4, lines 50-53; Figures 1 and 2).

Comparing the sock of Etienne with the sock of the present invention, it is clearly seen from the description and the drawings that the pads of Etienne are not created to avoid double padding. The pads 10, 11 of Etienne are places besides the Achilles tendon. They are not placed on the Achilles tendon, as in the present invention. Therefore, Etienne is not able to avoid shocks of the Achilles tendon. Etienne attempts to fill the depression beside the Achilles tendon to create a regular surface. There is no suggestion in Etienne of a sock having pads that are coordinated with pads of the shoe. Etienne does not suggest the subject matter of the claims in this application. Claims 1-11 and 13-17 should be allowed in the absence of more relevant art.

Claims 1-3, 11 and 14 were rejected as being anticipated by Brother et al. Brother et al. discloses an open-toe, open-heel sock 10 constructed from a power knit elastic material. The sock 10 has a foot piece 18 , an ankle piece 16, and two triangular shaped pocket pieces, namely, medial instep 12 and lateral instep pad 13. The pads 12, 13 are affixed to the lateral and medial

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sides of the foot piece 18 at the instep. There are two elliptical-shaped pocket pieces (medial ankle pad 14 and lateral ankle pad 15) fixed to the lateral and medial sides of ankle piece 16 (col. 5, line 61 to col. 6, line 4). The pads positioned on the instep mold and conform to the shape of the user's foot and fill any voids between the foot and the footwear. By filling the voids the sock increases the contact area which enables the user to achieve greater unity with the footwear (col. 6, lines 5-9). The triangular shape of the pad on the instep facilitates movement of the microspheres or content of the pad from the vortex of the triangle upwards toward the base of the triangle. When footwear 26 is laced or the binding is attached, the external pressure causes the pad to flow and change dimension. The material of pad 34 of Brothers et al. flows backward towards the heel when compressed by shoelace 36. The action of pad 34 pushes the foot backwards in the footwear in the direction of the heel, thus locking the heel in place (col. 6, lines 24-38).

The device of Brother et al. has nothing in common with the sock of the present invention. As seen from Figure 2 of Brother et al. there is no arrangement of pads in the shoe. Therefore, there is no suggestion in Brother et al. of the coordination between the pads of a sock and the pads of the shoe. As readily apparent from Figure 2 of Brother et al. there is no correspondence between the object of the present invention and the object of Brother et al. The device 10 of Brother et al. has no padding in the area of the Achilles tendon and footwear 26 has

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no padding in the area of the heel and the Achilles tendon, respectively, there cannot be any double padding. The same applies to the ankle pads 14, 15. Since the footwear 26 of Brother et al. has no padding in the area of the ankle there can be no double padding. This would be apparent to a person of ordinary skill in the art. None of the claim of the present application are anticipated by Brother et al. Furthermore, there is no suggestion of the presently claimed invention found in Brother et al., hence, Brother et al. would not render any of the claims obvious. Claims 1-11 and 13-17 should be allowed over Brother et al.

In summary, none of the references relied upon by the Examiner suggest the claimed invention wherein a sock is provided with pads interconnected a web (whether pads 21, 22 and web 23 or pads 26,27 and web 28, or the combination thereof in a single sock) coordinated with pads in a shoe so as to prevent double padding. The pads of Lambertz are not connected by webs constructed and arranged to cooperate with pads of a shoe. Etienne has nothing to do with double padding. In Etienne, pads are placed beside the Achilles tendon to create a regular surface. The Achilles tendon is not covered by pads, as in the present invention. The same can be said of Brother et al. The device 10 is not a sock. Brother et al. does not suggest pads in a shoe.

Applicant observes the prior art document DE2016825 U1 cited in the International Search Report makes clear the differences between the prior art and the present invention. The

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German document describes a sock that has pads 24, 25, and 26, which are in areas covered by the shoe, which is worn over the sock during athletic activities. Figure 3 of the German document shows a representation of a sock and a shoe that is comparable to Figure 4 of the present invention. From Figure 3 it is seen that the padding in the area of the Achilles tendon of the shoe and the padding of the sock build a double padding. This arrangement was typical at the time the present invention was made. Applicant recognized a problem and sought to provide a novel solution therefore. Figure 4 of the present invention shows clearly that the pads 26 and 27 in the area of the Achilles tendon are interrupted by web 28. Therefore, pad 43 of the shoe is directly in contact with the sock -there is no double padding. By preventing double padding applicant provides a sock with no additional load. The padded area is extended, resulting in a uniform pressure distribution. This prevents premature fatigue by the user. See paragraph [0010] of the present application. The present invention provides a novel sock having functional advantages not suggested by any prior art relied upon by the Examiner.

Favorable reconsideration and allowance of this application are solicited.

Respectfully submitted,

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Seymour Rothstein